BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

As rescanning documents *will not* correct images, please do not report the images to the Image Problem Mailbox.

REMARKS

In the Office Action dated February 25, 2004 the Examiner objected to the specification including drawings and rejected all twelve pending claims. Each is addressed in turn.

As to the specification, the Examiner finds that the "'Detailed Description of the Invention' section contains significant amount of prior art content." Applicants respectfully traverse this objection. While the detailed description refers to concepts that are known in the prior art, such as the use of an interoperable object reference (IOR) and specific communication components or protocols, these concepts are properly introduced in the background section. Applicants request that the Examiner be specific if this objection is maintained. The Examiner also requested submission of an information disclosure statement (IDS) with documentation for IOR and SSL related information. An IDS is filed concurrently.

The Examiner objected to the title, which has now been amended to be more descriptive.

As to the drawings, the Examiner found that Figures 1 and 2 illustrate prior art. Applicants respectfully traverse this objection. For each protocol module (22), Figure 1 indicates an associated bidder (24), which is an embodiment of the invention, and is not found in the prior art. Figure 2 indicates the bidder (24) and portfolio (40), which are embodiments of the invention, and are not found in the prior art. Upon review applicant realized that Figure 2 may be unclear in its use of the phrase "static bid value." Applicant proposes to change this phrase to "default values." Formal drawings and this amended drawing are filed concurrently.

As to the claims, the Examiner objected to claims 2, 4, 7 and 8 under 35 U.S.C. § 112 for indefiniteness. These claims have been amended to be definite.

The Examiner also rejected claims 1-2 under 35 U.S.C. §102(e) and rejected claims 3-12 under 35 U.S.C. §103(a). Applicants respectfully traverse each rejection for the following reasons:

All of the claims are rejected in view U.S. Patent 6,208,952 to Goertzel et al. However, Goertzel addresses a different subject matter than the claimed invention. Goertzel describes a

technique for delayed registration of a protocol on the first computer. According to Goertzel's method, the system administrator installs various protocols on a computer system and the identification of the protocols is stored in a system registry (130). 2:4-6, 2:8-10, 2:38-41. When communication is needed, the client RPCSS process sends a message to the server RPCSS process with a list of protocols that the client supports. 6:40-45. The Resolve Oxid method of the server selects the highest priority protocol that is supported by both the client and server. 7:39-45. "The priority of the protocols may be indicated in the registry by the ordering of the installed protocols." 7:45-46.

The claimed invention is different from Goertzel in many ways: Goertzel optimizes use of the server applications, while this invention provides a method for configuring the client's communication settings. Goertzel's method involves communication between the client and server for protocol selection, while this invention relates to a method internal to the client process. Goertzel's method is based on static priority for the protocols, i.e., the position of a protocol in a table, while the invention is based on dynamic bidding by the protocols for selection. In Goertzel, the protocol selection for a client and server is made once and used for all further communication between them. The protocol selection is typically applicable to future clients as well because of a global registry for priority. In contrast, the present invention uses a different selection may be made for each instance of a communication session.

Regarding claim 1, Goertzel does not disclose the step of generating bids for one or more protocols identified by the object handle. Goertzel uses the identification of the protocols that the server and client support, and does not teach selecting from the protocols identified in the object handle. Goertzel uses a statically-defined priority based on the ordering of the installed protocols in a table and does not dynamically generate a bid for each applicable protocol based on the client's configuration. Therefore, Goertzel does not anticipate claim 1.

Regarding claim 2, Goertzel does not disclose the steps of referencing a predefined configuration that is associated with the second computer. The registry, which the Examiner references as the configuration, is associated with the server RPCSS process in Goertzel, not the

second computer, which in the preferred embodiment is the client process. Also, Goertzel does not disclose the steps of determining whether the protocol qualifies. The step of determining whether a protocol is registered, as disclosed in Goertzel, is not the same as the claimed qualifying step because according to Goertzel if the protocol for the communication with the remote object is not registered then the protocol is registered. In contrast according to the invention, if the protocol does not qualify for the communication pertaining to the remote object then bid for that protocol is not selected and the protocol will not be used.

Claims 3-5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goertzel in view of U.S. Patent 6,601,233 to Underwood.

Regarding claim 3, the Examiner conceded that Goertzel does not disclose the use of default values. While the applicants agree that the concept of default values is not the novelty of the present invention, the protocol selection process disclosed in Goertzel does not lend itself to the application of default values. In Goertzel the protocols are listed in a table of registered protocols and the highest one is selected. Thus, there is no room for a default value. In the present invention, because of dynamic protocol selection in response to a call for a remote process, default values have purpose. Moreover, claim 3, which depends from claim 2, which depends from claim 1, is patentable for the same reasons as set forth above for claims 1 and 2.

Regarding claims 4-5, the Examiner contends that Underwood's disclosure of a graphical user interface, such as Netscape browser, for setting protocol levels shows the claimed use of a property relating to a protocol and associated with a bid value. The Examiner cited to 44 columns of text in the Underwood to support this contention. However, the terms "protocol," "properties," and "Netscape" are not found in the cited columns. While Underwood reference discloses a method for collecting (i.e. input) protocol settings, such as whether a protocol is enabled, Underwood does not disclose the use of user preferences such as quality of service requirements in the protocol selection process. According to the claimed invention, the term "properties" refers to characteristics of the protocol for communication, such as security or proxies. (See specification page 6). These properties may be enabled or disabled "by a user operating the second computer."

Claim 5.. This is different from a property variable that indicates whether a particular protocol is enabled, which may be gleaned from Underwood or other prior art. Underwood does not teach a method for using quality of service properties to influence bidding values and thereby incorporate the user preferences in protocol selection in a predictable way. Neither Underwood nor Goertzel suggest or motivate incorporating properties relating to protocols into a bidding process that determines which protocol is used for each communication session. Therefore these references separately or together do not render claims 3-5 obvious or otherwise unpatentable.

Claim 6-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goertzel in view of official notice that it is well known in the art to set the orders of bidding such that the lowest value bid is the most preferred, the highest value bid is the least preferred, and parsing in ascending order. These claims are dependent from claim 1 and are therefore patentable for the same reasons as set forth above with respect to claim 1. In addition, pursuant to MPEP 2244.03, the Examiner is requested to provide adequate documentary evidence in support of his position.

Claims 8-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goertzel in view of U.S. Patent 6,345,361 to Jerger. Jerger discloses a hierarchical configuration of security zones that define parameters of permission to control what the active content will be permitted to do on the user's system. The Examiner indicates that this security zone configuration is the same as the claimed prescribed ranges and priority list used for protocol selection. With all due respect, these are not the same. The permission sets in Jerger form groups of content that are similar in their security requirements. In the claimed invention, the ranges indicate relative priority, e.g., critical, exclusive or normal, which may be unrelated to security requirements. For example, a co-located object is typically assigned to a critical range. (Application page 7, lines 11-12). In Jerger, the parameters in the different zones have no relationship to each other. In the claimed invention, the bids relate to communication protocols for a single server and are based on a predefined rule (Page 7, line 8). In Jerger, the configuration levels are refinements of previous configuration levels, i.e., hierarchical. In the claimed invention, the ranges are linear but they are processed "according to predefined rules in the configuration," thus the ranges do not have a hierarchical relationship among them. In Jerger, the security configuration is stored in a registry that is global throughout the

system. In the claimed invention the bidding is particular to the client, i.e., "associated with the second computer.". In Jerger, exclusivity refers to protected permission settings, i.e., controlling access to protected operations. In the claimed invention, exclusivity refers to eligibility of a bid to participate in the protocol selection process, i.e., it is part of the step of "generating bid values." In sum, Goertzel and Jerger, separately or combined, do not render claims 8-12 obvious or otherwise unpatentable.

Notwithstanding the above remarks, applicants have amended claim 1 to clarify the claim language rather than change the scope. The bids implicitly have bid values, which are generated and processed in the invention; therefore the term "bid" was changed to "bid values." Likewise the other changes in claim 1 explicitly define what was implicit in the original language. According to the preamble the second computer has the object-handle and the first computer has the object, therefore, the claim implies that the generating step is performed "upon evoking on the second computer the object-handle on the first computer." The bids cannot be arranged until they are generated; therefore the arranging step is performed "dynamically." A sequence implies that there are "relative values."

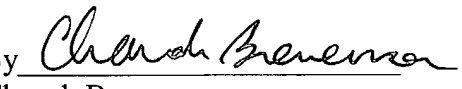
Similarly the other amendments clarify the language and do not impact the scope. In claim 2, "the bid" was changed to "a bid for the protocol" to avoid any confusion. The other changes in claim 2 and the changes in claim 4 were made in response to the Examiner's objection based on §112. The changes in claims 5-6 are made to clarify that the limitations are additional method steps. In claim 7, "value of the bids" was changed to "bid values" and in claim 8, "the bid" was changed to "a bid" for consistency with claim 1. The other changes in claims 7 and 8 were made in response to the Examiner's objection based on §112. The change in claim 9 was made for consistency. The changes in claim 10 were made to clarify that the limitation is an additional method step.

Also applicants added new independent claims 13 and 14 and dependent claims 15-20 to further define the invention. No new matter is introduced with this amendment.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: June 25, 2004

Respectfully submitted,

By 

Chanah Brenenson
Registration No.: 47,442
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicants